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Appellants: Solomon S. Steiner, Robert Feldstein, Per B. Fog, and Trent Poole

AUG 12 2005

Serial No.: 09/621,092 Art Unit: 3743

Filed: July 21, 2000 Examiner: M. Patel

For: **UNIT DOSE CAPSULES AND DRY POWDER INHALER**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTITUTE APPEAL BRIEF

Sir:

Responsive to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. § 41.37 mailed on July 28, 2005, this is a substitute Appeal Brief to replace the Substitute Appeal Brief filed on February 23, 2005. This is an appeal from the final rejection of claims 30, 41, and 43-45 in the Office Action mailed April 8, 2004, in the above-identified patent application. A Notice of Appeal was filed on August 9, 2004. An Appeal Brief was filed on November 9, 2004. A Petition for Extension of Time to extend the period for response one month, to and including November 9, 2004 was submitted with the Appeal Brief filed on November 9, 2004. In the Appeal Brief filed November 9, 2004, the Commissioner was authorized to charge \$225.00 to Deposit Account No. 50-3129, the sum of the fee for a small entity for filing an Appeal Brief (\$170.00) and the fee for a one-month extension of time for a small entity (\$55.00). It is believed that no additional fee is required with this submission. However, should an additional

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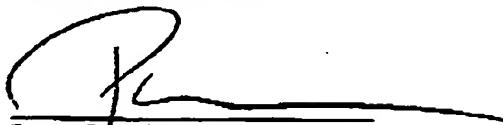
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PDC 116
078374/00002

U.S.S.N. 09/621,092
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For the foregoing reasons, Appellant submits that claims 28-30, 41, and 43-45 are patentable.

Respectfully submitted,



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Date: August 12, 2005

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